

**MCKEE, VOORHEES & SEASE, PLC**  
**WCKEE AOOKHEES & SEVSE, INC**

ATTORNEYS AT LAW

801 GRAND AVENUE • SUITE 3200 • DES MOINES, IA 50309-2721  
PHONE: 515-288-3667 • FAX: 515-288-1338 • www.jpms.com**RECEIVED**  
**CENTRAL FAX CENTER**

JAN 14 2005

DATE: January 14, 2005

TO: Art Unit 1638 - Mail Code Amendment

COMPANY: USPTO

PHONE:

FAX: 703-872-9306

FROM: LILA A. T. AKRAD

NUMBER OF PAGES (Including cover): 3

Please file the attached CORRECTED TERMINAL DISCLAIMER:

APPLICANT : DUVICK et al.  
SERIAL NO : 10/624,619  
FILED : July 22, 2003  
TITLE : AMINO POLYOL AMINE OXIDASE  
POLYNUCLEOTIDES AND RELATED  
POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, MEDINA AHMED  
Conf. No. : 6037  
Docket No. : P05569US03 - PHI 0875CD

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL COVER SHEET CONTAIN INFORMATION FROM THE LAW FIRM OF MCKEE, VOORHEES & SEASE WHICH MAY BE CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE DOCUMENTS ARE INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE ADDRESSEE IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING THESE DOCUMENTS TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TRANSMITTED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY THIS FIRM SO THAT WE CAN ARRANGE FOR THE RETURN OF THE ORIGINAL DOCUMENTS TO US. THANK YOU.

**BEST AVAILABLE COPY**

**RECEIVED  
CENTRAL FAX CENTER**

JAN 14 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : DUVICK et al.  
SERIAL NO : 10/624,619  
FILED : July 22, 2003  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND  
RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, MEDINA AHMED  
Conf. No. : 6037  
Docket No. : P05569US03 - PHI 0875CD

**CORRECTED TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT  
37 C.F.R. §1.321(c)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

The owners, Pioneer Hi-Bred, International, Inc. and CuraGen Corporation, each of 100 percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,211,435. The

---

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

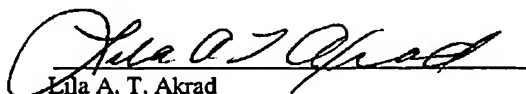
☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop Non-Fee Amendment, Alexandria, VA 22313-1450.

**FACSIMILE**

☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-9306

Date:

1/14/2005

  
Lila A. T. Akrad

**BEST AVAILABLE COPY**

owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Since this Terminal Disclaimer is a correction and the fees were previously charged to Deposit Account, no fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,



Lila A. T. Akrad, Reg. No. 52,550  
McKEE, VOORHEES, & SEASE  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No. (515) 288-3667  
Fax No. (515) 288-1338  
**CUSTOMER NO: 27142**

- bja/LA -

Attorneys of Record